

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SOLOWHEEL, INC.,

Plaintiff,

v.

NINEBOT INC. (USA), D/B/A NINEBOT
U.S., INC.; NINEBOT (TIANJIN)
TECHNOLOGY CO., LTD.; NINEBOT,
INC. (China),

Defendants.

Case No. 3:16-cv-05688-RBL

**DECLARATION OF CAMERON H.
TOUSI CONCERNING
SOLOWHEEL'S MOTION TO
COMPEL DISCOVERY AND ITS
CROSS-MOTION TO COMPEL
DISCOVERY**

I, Cameron H. Tousi, declare as follows:

1. I am the managing partner of the law firm IP Law Leaders PLLC, and counsel of record for Defendant Ninebot (Tianjin) Technology Co., Ltd. ("Defendant" or "Ninebot").

2. I submit this declaration in support of Ninebot's Opposition to Plaintiff Solowheel, Inc.'s ("Plaintiff" or "Solowheel") Motion to Compel Discovery and Ninebot's Cross-Motion to Compel Discovery.

3. I have personal knowledge of the following statements, and shall testify thereto if called upon.

4. Attached as **Exhibit A** is a true and correct copy of Solowheel's counsel's communication to my colleague, Andrew C. Aitken, dated November 28, 2018.

1 5. Attached as **Exhibit B** is a true and correct copy of my communication to
2 Solowheel's counsel dated January 8, 2018, inclusive of its attachment.

3 6. Attached as **Exhibit C** is a true and correct copy of a communication from
4 Solowheel's counsel to my colleague, Andrew C. Aitken, dated October 10, 2018, including
5 prior communications, wherein I was carbon copied.

6 7. Attached as **Exhibit D** is a true and correct copy of my communication to
7 Solowheel's counsel dated June 28, 2018, wherein Defendant's First Set of Requests for
8 Production of Documents and Things, and First Set of Interrogatories were provided by way of
9 attachments. To date, in response to the aforementioned Requests for Production of Documents
10 and Things, neither Ninebot's counsel nor Ninebot have received any documents from either
11 Solowheel's counsel or Solowheel, nor any indication that such documents would be
12 forthcoming.

13 8. Attached as **Exhibit E** is a true and correct copy of Defendant's First Set of
14 Requests for Production of Documents and Things. To date, in response thereto, neither
15 Ninebot's counsel nor Ninebot have received any documents from either Solowheel's counsel or
16 Solowheel, nor any indication that such documents would be forthcoming.

17 9. Attached as **Exhibit F** is a true and correct copy of my communication to
18 Solowheel's counsel dated October 18, 2018, wherein a proposed modified version of the
19 Protective Order was provided by way of attachment. The modified version was provided in
20 marked-up (*i.e.*, showing changes made) and clean formats.

21 10. Attached as **Exhibit G** is a true and correct copy of the clean version of the
22 Protective Order as described hereinabove in ¶ 9 except that the stipulation language in the
23 signature block has been removed.

24 11. Attached as **Exhibit H** is a true and correct copy of a Solowheel's email of
25 September 26, 2018, including its downloaded attachment that comprises Solowheel's
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1 Objections and Answers to Ninebot's aforementioned Defendant's First Set of Requests for
2 Production of Documents and Things.

3 12. Attached as **Exhibit I** is a true and correct copy of a letter written by my
4 colleague, Andrew Aitken, and sent to Solowheel's counsel on October 31, 2018, in response to
5 Solowheel's counsels' letter of September 28, 2018.

6 13. I respectfully submit that Solowheel has failed to produce any documents in
7 response to the aforementioned Request for Production of Documents and Things. As
8 Solowheel's counsel should be aware, these documents are fundamental to Ninebot's ability to
9 assert its rights to invalidation with respect to assertion of prior art or prior art activities and
10 Solowheel's representations and behavior before the U.S. Patent and Trademark Office.

11 14. I declare under penalty of perjury under the laws of the United States that the
12 foregoing is true and correct.

13 Executed and dated this 4th day of March, 2019, at Bethesda, Maryland.

14 By: /Cameron H. Tousi /
15 Cameron H. Tousi
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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2019, the foregoing document was electronically filed with the Clerk of the Court using the Court's CM/ECF system, which transmits notification of the filing to the following persons:

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Cristofer Ivan Leffler
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Signed at Seattle, Washington this 4th day of March, 2019.

s/ Al Van Kampen
Al Van Kampen